

REMARKS

There are currently 38 claims pending in the application. Claim 12 is amended and claims 39-42 are new.

New claim 39 derives support from page 14, line 8 and FIG. 9, *inter alia*.

New claim 40 derives support from page 14, lines 10-11, *inter alia*.

New claim 41 derives support from page 14, lines 9, 12-19, *inter alia*.

New claim 42 derives support from page 14, lines 9-10, *inter alia*.

Claim Rejections under 35 U.S.C. §102(b)

The Examiner has rejected claims 12, 16-18, 21, 23 and 27-29 under 35 U.S.C. §102(b) in view of US 2002/0083949 to *James* (the ‘949 publication). Applicant respectfully disagrees with this rejection for the reasons set forth below.

Applicant has amended independent claim 12 to include the limitation that the main body is provided with at least one “receiving site” for removably attaching the anchoring body therein. Support for this amendment can be found on page 14, lines 8-17 and in FIGS. 7A-9, *inter alia*.

It is noted that the ‘949 publication does not include an anchoring body (14/15/114) which rests within receiving sites on the main body for removably attaching the anchoring body to the main body. In fact, it is clearly stated that the device of the ‘949 publication is of “unitary construction”. *See* paragraph [0036]. Presumably unitary construction is used for enhanced structural integrity of the device as well as for cost of manufacture considerations.

Because there are no receiving sites for removably positioning an anchoring body therein in the ‘949 publication devices, and because there is no reason provided for one, claims 12, 16-18, 21, 23 and 27-29 are novel and non-obvious in view of the ‘949 publication.

Claim Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 12, 13, 16-18, 20, 22-24, 27, 28 under 35 U.S.C. §102(e) in view of US 2004/0084054 to *Kasecki, et al.* (the ‘054 publication). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As described above, claim 12 has been amended to include the limitation that the main body is provided with at least one receiving site for removably attaching the anchoring body therein.

It is noted that none of the embodiments of the '054 publication show or describe a main body provided with receiving sites for removably attaching an "anchoring body" (3/13). In fact, the '054 publication describes the anchoring body and the main body as being fully integrated, either by using an adhesive agent to or by molding them together during manufacture using a two-color method. *See* paragraph [0068].

Because there are no receiving sites located on the main body for removably attaching an anchoring body in the '054 publication devices, and there is no reason provided for one, claims 12, 13, 16-18, 20, 22-24, 27, 28 are novel and non-obvious in view of the '054 publication.

Claim Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 1, 2 and 7-11 under 35 U.S.C. §103(a) as being obvious in view of the '949 publication, the '054 publication and further in view of US 2,141,040 to *Holt* (the '040 patent). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As noted above, neither the '949 publication nor the '054 publication describe or suggest a main body provided with at least one receiving site for removably positioning an anchoring body therein. The '040 patent also does not describe or suggest at least one receiving site for removably positioning an anchoring body therein. Therefore, the combination of the '949 publication, the '054 publication and the '040 patent fails to teach each and every limitation of claims 1, 2 and 7-11, all of which incorporate the "at least one receiving site" limitation since they depend on claim 12.

Claims 1, 2 and 7-11 are non-obvious in view of the cited references at least because every limitation of these claims is not taught by their combination.

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as being obvious in view of the '949 publication, the '054 publication, the '040 patent and further in view of US 4,307,716 to *Davis* (the '716 patent). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As noted above, none of the '949 publication, the '054 publication, or the '040 patent describe or suggest at least one receiving site. The '716 patent also does not describe or suggest a reason for at least one receiving site for removably positioning an anchoring body therein. Therefore, the combination of these cited references fails to teach each and every limitation of claim 3.

For at least this reason, claim 3 is non-obvious in view of the cited references.

The Examiner has rejected claims 4-6 under 35 U.S.C. §103(a) as being obvious in view of the '949 publication, the '054 publication, the '040 patent and further in view of US 2,580,133 to *Sheen* (the '133 patent). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As noted above, none of the '949 publication, the '054 publication, or the '040 patent describe or suggest at least one receiving site. The '133 patent also does not describe or suggest a reason for at least one receiving site for removably positioning an anchoring body therein. Therefore, the combination of these cited references fails to teach each and every limitation of claims 4-6.

For at least this reason, claims 4-6 are non-obvious in view of the cited references.

The Examiner has rejected claims 14 and 25 under 35 U.S.C. §103(a) as being obvious in view of the '949 publication, the '054 publication, the '040 patent and further in view of US 4,307,716 to *Davis* (the '716 patent). Applicant respectfully disagrees with these rejections for the reasons set forth below.

As noted above, none of the '949 publication, the '054 publication, or the '040 patent describe or suggest at least one receiving site. The '716 patent also does not describe or suggest a reason for at least one receiving site for removably positioning an anchoring body therein. Therefore, the combination of these cited references fails to teach each and every limitation of claims 14 and 25.

For at least this reason, claims 14 and 25 are non-obvious in view of the cited references.

The Examiner has rejected claims 15 and 26 under 35 U.S.C. §103(a) as being obvious in view of the '949 publication, the '054 publication, the '040 patent and

further in view of US 2,580,133 to *Sheen* (the '133 patent). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As noted above, none of the '949 publication, the '054 publication, or the '040 patent describe or suggest a removable anchoring body. The '133 patent also does not describe or suggest a reason for at least one receiving site for removably positioning an anchoring body therein. Therefore, the combination of these cited references fails to teach each and every limitation of claims 15 and 26.

For at least this reason, claims 15 and 26 are non-obvious in view of the cited references.

The Examiner has rejected claim 19 under 35 U.S.C. §103(a) as being obvious in view of the '949 publication, the '054 publication, and further in view of US 2,146,574 to *Hay* (the '574 patent). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As noted above, neither the '949 publication nor the '054 publication describe or suggest at least one receiving site. The '574 patent also does not describe or suggest a reason for at least one receiving site for removably positioning an anchoring body therein. Therefore, the combination of the '949 publication, the '054 publication and the '574 patent fails to teach each and every limitation of claim 19, which incorporates at least one receiving site limitation of independent claim 12.

Claim 19 is non-obvious in view of the combination of the cited references at least because not every limitation of the claim is taught.

The Examiner has rejected claim 33 under 35 U.S.C. §103(a) as being obvious in view of US 5,771,899 to *Martelly et al.* (the '899 patent) over US 2,432,768 to *Kurkjian* (the '768 patent). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As the Examiner has indicated, the '899 patent does not describe or suggest removing an anchoring portion of the '899 pessary device for easier removal. In order to overcome this shortcoming, the '768 patent, which includes a removable clamp (anchoring portion) is added to the combination.

This combination is improper for this purpose because the '768 patent teaches away from removing its clamp for easier removal. Referring to Col. 2, lines 17-20 of the '768 patent, it can be seen that rather than removing the clamp for making

removal from the vagina easier, the clamp is in fact used as a handle which the user grasps in order to remove the '768 device. In other words, the anchoring body stays attached to the main body in order to make removal easier, which is the opposite of removing it to make removal easier as is taught by claim 33. The intention for making the clamp removable in the '768 patent, was so the same clamp can be used for different sized pessaries. See Col. 2, lines 20-23.

In addition to the reason above, not all of the limitations of amended claim 33 are taught by the combination of the '899 patent and the '768 patent. The limitation that the anchoring body is removed from at least one receiving site during device removal has been added to claim 33 in order to provide the same inventive concept to claim 33 as exists in claim 12. It is noted that neither the '899 patent nor the '768 describes at least one receiving site on the main body to which the anchoring body is removably attached and from which the anchoring body is detached during device removal from the vagina.

For at least these reasons, claim 33 and the claims which depend from it (claims 34-38) are novel and non-obvious in view of the cited references.

The Examiner has rejected claim 34 under 35 U.S.C. §103(a) as being obvious in view of the '899 patent over the '768 patent and further in view of the '574 patent. Applicant respectfully disagrees with this rejection for the reasons set forth below.

As described above, the '768 patent teaches away from combining it with the '899 patent for the purposes of detaching an anchoring body from a main body for easier device removal. Therefore, a combination of the '899 patent, the '768 patent and the '574 patent is improper. Furthermore, adding the '574 patent to either the '899 patent or to the '768 patent fails to create a combination which teaches each and every limitation of claim 34.

Claim 34 is novel and non-obvious at least because not every limitation of the claim is taught and because a combination of the cited references is improper.

The Examiner has rejected claim 36 under 35 U.S.C. §103(a) as being obvious over the '899 patent in view of the '768 patent and further in view of the '716 patent. Applicant respectfully disagrees with this rejection for the reasons set forth below.

As described above, the '768 patent teaches away from combining it with the '899 patent for the purposes of detaching an anchoring body from a main body for easier device removal. Therefore, a combination of the '899 patent, the '768 patent and the '716 patent is improper. Furthermore, adding the '716 patent to either the '899 patent or to the '716 patent fails to create a combination which teaches each and every limitation of claim 36.

Claim 36 is novel and non-obvious at least because not every limitation of the claim is taught and because a combination of the cited references is improper.

The Examiner has rejected claim 36 under 35 U.S.C. §103(a) as being obvious over the '899 patent in view of the '768 patent and further in view of US 6,808, 485 to *Zunker* (the '485 patent). Applicant respectfully disagrees with this rejection for the reasons set forth below.

As described above, the '768 patent teaches away from combining it with the '899 patent for the purposes of detaching an anchoring body from a main body for easier device removal. Therefore, a combination of the '899 patent, the '768 patent and the '485 patent is improper. Furthermore, adding the '485 patent to either the '899 patent or to the '716 patent fails to create a combination which teaches each and every limitation of claim 37.

Claim 37 is novel and non-obvious at least because not every limitation of the claim is taught and because a combination of the cited references is improper.

The Examiner has rejected claim 33 under 35 U.S.C. §103(a) as being obvious over the '054 publication in view of the '899 patent and further in view of the '768 patent. Applicant respectfully disagrees with this rejection for the reasons set forth below.

Neither the '899 patent nor the '054 publication describe or suggest a removable anchoring body or receiving sites for positioning an anchoring body therein. As mentioned elsewhere, the '768 patent teaches away from detaching its anchoring body from the main body for making removal easier. Therefore, the mere combination of the '054 publication and the '899 patent fails to teach each and every limitation of claim 33, and any combination of these two references with the '768 patent is improper.

Claim 33 is novel and non-obvious at least because not every limitation of the claim is taught and because a combination of the cited references is improper.

The Examiner has rejected claim 38 under 35 U.S.C. §103(a) as being obvious over the combination of the '054 publication, '899 patent, and the '768 patent and further in view of the '949 publication. Applicant respectfully disagrees with this rejection for the reasons set forth below.

None of the '899 patent, the '949 publication and the '054 publication describe or suggest removing an anchoring body or receiving sites for removing an anchoring body therefrom. As mentioned elsewhere, the '768 patent teaches away from detaching its anchoring body from the main body for making removal easier. Therefore, the mere combination of the '949 publication, the '054 publication and the '899 patent fails to teach each and every limitation of claim 38, and any combination of these references with the '768 patent is improper.

Claim 38 is novel and non-obvious at least because not every limitation of the claim is taught and because a combination of the cited references is improper.

Conclusion

Applicant reminds the Examiner that in our interview dated February 9, 2011 the amendments made herein were indicated as being novel and inventive over the cited references. Therefore unless more relevant art is found by the Examiner, an allowance of the claims is respectfully requested.

Respectfully submitted,

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Enclosed:

- Request for Continued Examination (RCE)